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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,962	10/21/2003	Jorge Tomas	20341-71956	4409

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BARNES & THORNBURG  
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INDIANAPOLIS, IN 46204

EXAMINER
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EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/689,962	<b>Applicant(s)</b> TOMAS ET AL.	
	<b>Examiner</b> Joseph F Edell	<b>Art Unit</b> 3636	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 3, 4, 10, 12, 16, 23, and 24 are objected to because of the following informalities:

- a. claim 3, line 1, "one spool" should read "one rotatable spool";
- b. claim 3, line 2, "its at least one" should read "the";
- c. claim 4, line 1, "the at least on windable strap" should read "the windable strap";
- d. claim 10, line 1, "tot" should read "to";
- e. claim 12, line 2, "at least rotatable spool for winding its" should read "at least one rotatable spool for winding the";
- f. claim 23, line 10, "its at least one" should read "the";
- g. claim 24, line 1, "the at least on windable strap" should read "the windable strap".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 1-10 and 12-28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,383,708 to Nagasaka et al.

Nagasaka et al. disclose a booster seat that includes all the limitations recited in claims 1-10 and 12-28. Nagasaka et al. show a booster seat having a seat portion 22 (Fig. 1), a back portion 20 (Fig. 1), two rotatable spools 30 (Fig. 3) attached to the booster seat, pairs of straps 24,18 (Fig. 10B) each having windable straps 24 (Fig. 3) simultaneously windable about the rotatable spools and the other strap 18 (Fig. 10B) connectable to the windable strap, a handle 56 (Fig. 2) on one of the rotatable spool, a spur gear 44 (Fig. 3) driving connected between the rotatable spools, buckles 96,98 (Fig. 10B) on each pair of straps, and a base portion (Fig. 2) connected to the seat portion including a front, sides, and rear walls wherein the rotatable spools are mounted to the base portion (Fig. 2), each windable strap is adapted to be wound essentially completely into recesses of the booster seat when not in use (Fig.10B), and each strap 24 (Fig. 2) has an anchored end inside the booster seat and a free end extending outside the booster seat to releasably secure the booster seat to a seat 16 (Fig. 2).

4. Claims 1-3, 5, 6, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,605,375 to Friedrich et al.

Friedrich et al. disclose a booster seat that includes all the limitations recited in claims 1-3, 5, 6, and 22. Friedrich et al. show a booster seat having a seat portion 2 (Fig. 2), a back portion 3 (Fig. 2), at least one rotatable spool 20 (Fig. 4) attached to the booster seat, at least one pair of straps 8,14 (Fig. 2) having a windable strap 14 (Fig. 2) with the other strap 8 (Fig. 2) connectable to the windable strap, a handle 31 (Fig. 5) on

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the rotatable spool, buckles 11,12 (Fig. 2) on the straps, and a base portion 4 (Fig. 1) connected to the seat portion including a front, sides, and rear walls wherein the rotatable spool is mounted to the base portion and each strap has an anchored end inside the booster seat and a free end extending outside the booster seat.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasaka et al.

Although Nagasaka et al. do not show the specific locations of the two rotatable spools as claimed, shifting the location of the parts would have been well within the purview and obvious to shift the location of one of the two rotatable spools closer to the rear wall of the base portion than the other spool as claimed.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to booster seats:

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U.S. Pat. No. 1,739,366 to Lang

U.S. Pat. No. 1,967,533 to Koop

EP Publ. No. 0 369 693 A2 to Marcus et al. U.S. Pat. No. 5,183,311 to Meeker et al.

U.S. Pat. No. 5,439,253 to Trubiano

U.S. Pat. No. 5,839,789 to Koledin

U.S. Publ. No. 2002/0043836 A1 to Maciejczyk et al.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

2168.



JE

March 30, 2004



Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600